

## LANSNER &amp; KUBITSCHKE

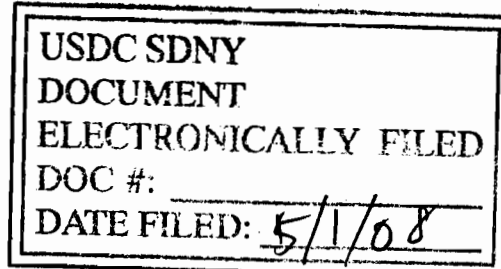
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April 18, 2008

*So ordered  
 4-30-08  
 [Signature]*

Via Facsimile

Hon. Alvin K. Hellerstein  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Re: Iglesias v. Mattingly, 08 Civ. 1595 (AKH)

Dear Judge Hellerstein:

Plaintiffs write to request an extension of time to respond to the Motion to Dismiss of State Commissioner Gladys Carrion. Plaintiffs' opposition papers are due April 21, 2008, and we request an extension until June 10, 2008. Plaintiff has not previously requested any extensions of time in this matter. The reason for the request is that the motion raises numerous substantive and procedural issues, which require detailed briefing, that the other defendants may wish to be heard on these issues, and that the other defendants' answers may raise issues which directly bear on the motion.

The instant case raises various constitutional issues relief regarding the system established by the State and City of New York governing removals of children from their close blood relatives who are serving kinship foster parents for the children. The City and State Commissioner are both defendants in the above-entitled action, as are the two foster care agencies which separated and detained the infant plaintiffs from the adult plaintiff, plus various employees of those organizations.

The foster system entwines State and City regulations and procedures. With regard to social services, such as foster care, the City regulations and procedures are governed by and dependent upon the State's regulations and procedures. *See, e.g., Beaudoin v. Toia*, 45 N.Y.2d 343, 380 N.E.2d 246, 408 N.Y.S.2d 417 (1978). Likewise, the foster care agencies' activities are governed by their contracts with the City of New York. *See, e.g., Thomas v. City of New York*, 814 F.Supp. 1139, 1144 (E.D.N.Y. 1993). Given the interrelationship among the defendants,

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plaintiffs suspect that some of the defendants may seek to raise cross-claims against other defendants, including the movant defendant Carrion. Plaintiffs also suspect that some of the other defendants would like to submit papers on defendant Carrion's motion to dismiss.

The instant lawsuit has barely commenced. The answer of defendant City and its employees is not due until May 20, 2008. Counsel for one of the foster care agencies has filed an appearance, but has not answered. The other foster care agency and its employees have not yet answered, and their time to do so has not expired.

Robert Kraft, Esq., attorney for the State Defendant, does not consent to the requested extension. He claims that the Motion to Dismiss raises unique issues, distinct from any issues that the other defendants may raise. Steven Weber, Esq., attorney for the City Defendants, does not oppose this request for an extension of time. Raymond Colon, Esq., attorney for Coalition for Hispanic Family Services, Inc., has not responded to telephone calls. The remaining defendants have not appeared, and their time to respond to the complaint has not expired.

This Court has not yet issued any scheduling orders in the instant case. Accordingly, there are no orders which could be affected by this request.

Thank you for your consideration of this request.

Very truly yours,

  
Carolyn A. Kubitschek

CAK/mt

cc: Robert Kraft, Esq., *via fax*  
Stephen Weber, Esq., *via fax*  
Raymond Colon, Esq., *via fax*